Intermec Technologies Corp. v. Palm, Inc. Doc. 318 Att. 1

EXHIBIT 2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	Case No. C 05-03649 JW PVT

SUMMARY NOTICE OF PENDENCY AND PROPOSED
SETTLEMENT OF CLASS ACTION AND SETTLEMENT HEARING

TO: ALL PERSONS OR ENTITIES RESIDING IN THE UNITED STATES WHO HAVE PAID GOOGLE FOR ADVERTISING PURSUANT TO GOOGLE'S ADWORDS PROGRAM WHO (A) BECAME ADWORDS ADVERTISERS BETWEEN JUNE 1, 2005 AND FEBRUARY 28, 2009, INCLUSIVE, AND WHO WERE CHARGED MORE THAN THEIR PER DAY DAILY BUDGET ON ANY DAY DURING THAT TIME PERIOD; OR (B) PAUSED THEIR ADWORDS ADVERTISING CAMPAIGNS ON ANY DAY DURING THE PERIOD FROM JANUARY 1, 2002 TO FEBRUARY 28, 2009, INCLUSIVE, AND DURING THE SAME BILLING PERIOD WHEN THEIR ADWORDS ADVERTISING CAMPAIGNS WERE PAUSED, WERE CHARGED MORE THAN THE PRODUCT OF THEIR PER DAY DAILY BUDGET TIMES THE NUMBER OF DAYS THAT SUCH CLASS MEMBERS' ADVERTISING CAMPAIGNS WERE NOT PAUSED DURING THAT BILLING PERIOD

This Summary Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Northern District of California (the "Court"), dated ________May________, 2009. The purpose of this Notice is to inform you of the pendency of the above-entitled class action (the "Action") against Google Inc. and the proposed settlement that has been reached between plaintiffs and Google, pursuant to which a settlement fund in the amount of $20,000,000 has been established for the benefit of the Class. The proposed settlement resolves all claims which were asserted or could have been asserted against Google in the Action.

A hearing ("Settlement Hearing") will be held by the Court on _September 14__, 2009, at 9:00 a.m., at the United States Courthouse, 280 South 1st Street, San Jose, California 95113. The purpose of the Settlement Hearing will be, among other things, (1) to determine whether the proposed settlement is fair, reasonable and adequate to the Class and should be approved and, therefore, whether the Action should be dismissed on the merits and with prejudice, and (2) to consider the reasonableness of an application by plaintiffs' counsel for payment of attorney's fees and reimbursement of costs and expenses incurred in connection with the Action and for an incentive compensation award to Representative Plaintiffs.

If you are an AdWords customer who falls within the description of the Class described above and are not otherwise excluded from the Class, and do not file a written request for exclusion by first-class mail so that it is actually received by the Claims Administrator on or before July 12, 2009, you are a Class Member. Your rights against Google will be affected by this Settlement.

Any request for exclusion from the Class must be in writing and must include the name, email address, AdWords account number, and mailing address of the person or entity requesting exclusion, the dates that the person or entity was an AdWords advertiser, and a statement that such person or entity wishes to request exclusion from the Class, and must be signed by or on behalf of the person or entity so requesting exclusion and sent to the Claims Administrator via first-class mail to:

CLRB Hanson LLC et al. v. Google Class Action Settlement
c/o Gilardi & Co., LLC
P.O. Box 990
Corte Madera, California 94976

Any member of the Class who has not requested exclusion from the Class may appear at the Settlement Hearing to show cause (1) why the proposed settlement should or should not be approved as fair, reasonable and adequate; (2) why a judgment should or should not be entered thereon; (3)

why the proposed Plan of Allocation of the settlement proceeds should not be approved; or (4) why the fee and expense application of plaintiffs' counsel and incentive compensation award to Representative Plaintiffs should or should not be approved; provided, however, that no member of the Class shall be heard or entitled to contest the approval of the settlement, the fee and expense application, or the incentive compensation award unless on or before _____July 12______, 2009, such Class Member has served by hand or by first-class mail written statements or objections and copies of all other papers upon Representative Plaintiffs' Counsel:

LESTER L. LEVY
WOLF POPPER LLP
845 Third Avenue
New York, NY 10022

RACHEL S. BLACK
SUSMAN GODFREY L.L.P.
1201 Third Avenue, Suite 3800
Seattle, WA 98101

and counsel for Google:

DARALYN DURIE
Durie Tangri Lemley Roberts & Kent
332 Pine Street, Suite 200
San Francisco, CA 94104

and has filed said objections, papers and briefs, showing due proof of service upon the foregoing counsel with the Clerk of the Court.

PLEASE DO NOT CONTACT THE COURT
OR THE CLERK'S OFFICE FOR INFORMATION.

This is only a summary notice. The full notice may be accessed at www.[name of website]

Dated: ___________________, 2009

____
James W. Ware
UNITED STATES DISTRICT JUDGE